

In re) Fair Hearing No. 11,400
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Appeal of)
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The petitioner appeals the decision by the Department of Social Welfare finding her ineligible for Medicaid until she incurs medical expenses of \$2,172.78 for the period August 1, 1992 through January 31, 1993. The issue is whether the Department correctly calculated and applied the petitioner's earned income in determining the petitioner's "spenddown" amount.

The petitioner, who appeared pro se, did not dispute the facts of the case. She is nineteen-years-old, single, and has no dependents.¹ She works full-time and earns gross income of \$1,152.13 a month. After considering all the deductions from income allowed by the regulations, the petitioner's net income is \$1,062.13 a month.

The Department's decision is affirmed.

The Medicaid regulations provide that eligibility is determined for a six-month period based on an individual's income during that period. Medicaid Manual § M 421. An

individual's net income during the period is compared to the "protected income level" for that individual's household size. If net income exceeds the protected income level, the individual must incur (not necessarily spend) medical expenses in the amount of the difference over the six month period of potential eligibility. Once that "applied income" figure is met, the individual becomes eligible for Medicaid for the remainder of the six-month period. Id.   M 423.

In the petitioner's case, the protected income level for a household of one is \$700.00 per month. Procedures Manual   P-2420. The petitioner's net income is \$1,052.13 a month--leaving an applied income of \$362.13 (\$1,062.13 minus \$700.00) a month, or \$2,172.78 for six months.

Inasmuch as the Department's decision is factually accurate and based on the regulations the board is bound by law to affirm. 3 V.S.A.   3091(d) and Fair Hearing Rule No. 19.

FOOTNOTE

¹The petitioner "categorically" qualifies for Medicaid as an individual aged 20 or under. See M.M.   M 300.

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